

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DREVONN KELLEY,

Defendant.

CASE NO. 2:23-cr-00080-LK

ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE TRIAL
DATE AND PRETRIAL MOTIONS
DEADLINE

This matter comes before the Court on the Defendant Drevonn Kelley's Unopposed Motion to Continue Trial Date and Pretrial Motions Deadline. Dkt. No. 24. Mr. Kelley moves to continue the trial date from November 13, 2023 to March 11, 2024, and to continue the pretrial motions deadline to January 29, 2024. *Id.* at 1. The Government does not oppose Mr. Kelley's motion. *Id.*

On May 10, 2023, a federal grand jury indicted Mr. Kelley with Unlawful Possession of a Firearm and Unlawful Possession of Ammunition in violation of 18 U.S.C. § 922(g)(1); Possession of a Controlled Substance with Intent to Distribute in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B); and Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c)(1)(A)(i). Dkt. No. 1 at 1–3. He pleaded not guilty to all counts and was

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DEADLINE - 1

1 subsequently ordered detained following a hearing before United States Magistrate Judge S. Kate
2 Vaughan. Dkt. Nos. 10, 15–16. On June 28, 2023, the Court granted Mr. Kelley’s first unopposed
3 motion to continue trial and the pretrial motions deadline, Dkt. No. 21, and on October 3, 2023,
4 the Court granted the parties’ stipulated motion for a brief extension of the pretrial motions
5 deadline, Dkt. No. 23.

6 Counsel for Mr. Kelley represents that between June and August, the Government
7 produced approximately 8,000 “distinct files of discovery,” including “telephone calls and
8 communications allegedly made by Mr. Kelley from custodial settings,” as well as “drug testing
9 results, fingerprint analysis, DNA analysis and additional reports and search warrants[.]” Dkt. No.
10 24 at 2. Counsel also states that because the discovery produced to date contains “substantial
11 personal and identifying information for third parties,” additional time is needed for the
12 Government to produce redacted copies of discovery so that Mr. Kelley can review it while in
13 pretrial custody, and so that he and his counsel can discuss the need for any experts, further
14 investigation, and potential resolution. *Id.* Mr. Kelley has filed a speedy trial waiver “knowingly,
15 voluntarily, and with advice of counsel,” waiving his right to a speedy trial through April 1, 2024.
16 Dkt. No. 25 at 1.

17 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by
18 granting a continuance outweigh the best interest of the public and Mr. Kelley in any speedier trial.
19 Specifically, the Court finds that failure to grant the requested continuance would likely result in
20 a miscarriage of justice and would deny defense counsel the reasonable time necessary for effective
21 preparation, taking into account the exercise of due diligence, due to counsel’s need for more time
22 to obtain and review discovery, consider pretrial motions and defenses, consult with her client, and
23 prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The Court finds that the additional time
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1 requested is a reasonable period of delay and will be necessary to provide counsel and Mr. Kelley
2 reasonable time to accomplish the above tasks.

3 For these reasons, the Court GRANTS Mr. Kelley's motion, Dkt. No. 24, and ORDERS
4 that the trial date for Mr. Kelley shall be continued from November 13, 2023 to March 11, 2024,
5 and that the pretrial motions deadline shall be continued to January 29, 2024. It is further
6 ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from the date
7 of this Order to the new trial date is EXCLUDED when computing the time within which Mr.
8 Kelley's trial must commence under the Speedy Trial Act.

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10 Dated this 17th day of October, 2023.

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12 Lauren King
13 United States District Judge
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